



## Filing Instructions for Retail Electricity Suppliers

**I. Where to File:** Applications should be filed in the Commission's electronic filing system, DelaFile, which can be accessed at <https://delafile.delaware.gov/>

**II. What to File:** Applicant **must use** the attached form to submit the application. (Please remove this instruction sheet prior to filing). To submit an application, please provide the **\$750 non-refundable application fee**, all exhibits, affidavits, and other attachments. All exhibits should be clearly identified. For example, Exhibit A should be marked "Exhibit A – Delaware Certificate of Good Standing." Each exhibit should be attached as a separate document to the filing in DelaFile.

**III. Confidentiality:** All information disclosed in this application is considered public information unless specifically labeled as confidential. The Applicant has the responsibility to disclose to the Commission Secretary what is privileged or confidential information and not otherwise available to the public. The Applicant should **attach in DelaFile one version of the application that includes all confidential information and one version of the application which has all of the confidential information redacted from it.** The confidential version should be stamped "CONFIDENTIAL" at the top in clear and conspicuous letters. Also, the security level for this confidential version should be designated as "confidential." The redacted version of the application should list "confidential information redacted under Commission's rules" in each place of the application where confidential information was removed from the version. Also, the security level for the redacted version should be designated as "public." For more information, see 26 Del. Admin. C. §1001-1.11 – Rules of Practice and Procedure of the Delaware Public Service Commission, Submission of Confidential, Proprietary, and Privileged Material. These Rules can be found at this website address:  
<http://regulations.delaware.gov/AdminCode/title26/1000/1001.shtml#TopOfPage>.

**Questions regarding this application:** Please contact either Toni Loper by phone at (302)736-7534 or by email at [Toni.Loper@state.de.us](mailto:Toni.Loper@state.de.us) or Clishona Marshall by phone at (302)736-7539 or by email at [Clishona.Marshall@state.de.us](mailto:Clishona.Marshall@state.de.us).

**Incomplete applications or those not including the necessary fees, supporting documentation or information may be rejected and processing delayed. The Applicant will be given an opportunity to provide the necessary information to complete the certification; however, an incomplete or abandoned application will be closed four (4) months after the original date the application is submitted, unless such time frame is extended by the Commission.**

**REFER TO 26 Del. Admin. C. § 3001 FOR SPECIFIC INFORMATION THAT MUST BE CONTAINED IN THE APPLICATION. UNLESS OTHERWISE NOTED, CAPITALIZED TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN 26 Del. Admin. C. § 3001. COMMISSION STAFF MAY REQUEST ADDITIONAL INFORMATION IN ORDER TO COMPLETE THE PROCESSING OF THE APPLICATION.**



**1. Authority to do Business:**

Each Applicant must provide a copy of the following documents:

- ☐ A Certificate of Good Standing issued by the Delaware Secretary of State that is dated within the past 12 months and which certifies that the Applicant is in good standing and qualified to do business in Delaware.

**Provided in Exhibit \_\_\_\_\_**

- ☐ A copy of the Applicant's Delaware Business License certifying that the Applicant is registered and/or qualified to do business in Delaware.

**Provided in Exhibit \_\_\_\_\_**

**2. Delaware Registered Agent:**

Each Applicant must provide a written designation of the name and address of a person who resides within the State of Delaware upon which service of any notice, order or process may be made. This information must be updated if changed.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**3. Performance Bonds:**

Each Applicant must submit a copy of the performance bond or guarantee that they have obtained as security to the Electric Distribution Company, if required in the Service Agreement between the Applicant and the Electric Distribution Company.

- ☐ Required information is **provided in Exhibit \_\_\_\_\_**
- ☐ Performance bond or guarantee not required

**4. Compliance with Regional Requirements:**

- ☐ Proof of PJM Membership is **provided in Exhibit \_\_\_\_\_**

**Financial, Operational, Managerial and Technical Ability.** Each Applicant shall be required to present substantial evidence supporting their financial, operational, managerial and technical ability to render service within the State of Delaware.

**5. Certified Financial Statements or other indicia of financial capability:**

☐ Provide copies of certified financial statements (such as balance sheet, income statement, and statement of cash flows). These certified financial statements should be dated within twelve (12) months of the date of filing the application.

**Provided in Exhibit** \_\_\_\_\_

☐ Other indicia of financial capability submitted in support of the application. These other documents should be dated within twelve (12) months of the date of the filing

**Provided in Exhibit** \_\_\_\_\_

**6. Demonstration of cash or cash equivalent:** All new Applicants shall demonstrate in their application that they possess a minimum of \$100,000 of assets in excess of encumbrances or a minimum of \$100,000 in cash, cash equivalents, or financial instruments that are reasonable liquid and readily available to meet their costs of providing electricity to Customers or any combination thereof.

**Please indicate manner in which the Applicant demonstrates compliance with this requirement by checking the appropriate box(es):**

- |  |   |
|--|---|
| <input type="checkbox"/> Cash or cash equivalent   | <input type="checkbox"/> Certificate of Deposit |
| <input type="checkbox"/> Stock Proceeds or stockholder equity  | <input type="checkbox"/> Letter of Credit       |
| <input type="checkbox"/> Line of Credit  | <input type="checkbox"/> Loan                   |
| <input type="checkbox"/> Guarantee by Corporation, Co-partnership, or other person                       |   |
| <input type="checkbox"/> Guarantee by subsidiary, affiliate, or corporation holding controlling interest |   |
| <input type="checkbox"/> Identifiable Assets   |   |

☐ Documentation in support of assets **provided in Exhibit** \_\_\_\_\_

**7. Description of the nature of the business being conducted:** Description of service, types of customers and geographic area to be served.

Description of service: \_\_\_\_\_

Types of Customers: *Check all that apply*

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Large Commercial |
| <input type="checkbox"/> Industrial  | <input type="checkbox"/> Small Commercial |

Geographic Area: *Applicant should check one or both*

- |   |
|---|
| <input type="checkbox"/> Delmarva Power & Light Service Territory         |
| <input type="checkbox"/> Delaware Electric Cooperative Services Territory |

**8. States in which the Applicant is presently selling electric supply services or providing broker services:** Please provide a list states in which the Applicant (or any of its affiliated

interests) is presently selling electric supply service to Retail Electric customers, the type of license (electric/gas), and the license number.

State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_

- 9. States in which the Applicant has any pending applications:** Please provide a list of all states in which the Applicant (or any of its affiliated interests) has pending applications to sell electric supply service to Retail Customers, the status of the application, type of license (broker/supplier), and the commission docket number (if available):

State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_  
 State: \_\_\_\_\_ Status: \_\_\_\_\_ Type of License: \_\_\_\_\_ License No: \_\_\_\_\_

*\*If additional space is required please attach additional sheets of paper to the Application as necessary.*

☐ Provided in Exhibit \_\_\_\_\_

- 10. List of states in which Applicant has been denied approval and/or had authority revoked.**

State: \_\_\_\_\_ Date: \_\_\_\_\_  
 State: \_\_\_\_\_ Date: \_\_\_\_\_

\*If the Applicant has been denied approval or had its authority revoked by a state Commission please provide a detailed explanation for each state.

☐ Provided in Exhibit \_\_\_\_\_

☐ Applicant has never been denied or revoked

- 11. List of states in which Applicant has withdrawn the application.** Please provide a list of all states in which the Applicant (or any of its affiliated interests) has withdrawn an application for certification.

\*If the Applicant has withdrawn an application please provide a detailed explanation for the withdrawal for each state.

☐ Provided in Exhibit \_\_\_\_\_

☐ Applicant has not withdrawn any applications

**12. Relevant operational experience of each principal officer or managing member**

**responsible for Delaware operations.** In order to fulfill the requirements of the Supplier Rules, an Applicant must present substantial evidence of technical and managerial ability by submitting, in an attachment, detailed resumes of each principal officer or managing member responsible for operations in Delaware.

☐ **Provided in Exhibit** \_\_\_\_\_

**13. FERC Approval as a Marketer:**

☐ **Provided in Exhibit** \_\_\_\_\_

**14. Security Bond:** \*\*If the Applicant requires deposits, prepayments, financial guarantees or the like from customers then the Applicant must secure a bond with corporate surety licensed to business in Delaware guaranteeing the repayment of all customer deposits and advances upon the termination of service. The amount of the bond will be the greater of (i) 150 percent of the projected amount of the deposits and advances for the next one year period; or (ii) \$50,000. If at any time the actual amount of the deposits and advances held by the Applicant exceeds the amount projected, the amount of the bond shall be increased to comply with the requirement in the preceding sentence. The bond must be issued by a licensed Delaware surety Company.

☐ Yes, Applicant requires deposits, advance payments, prepayments, financial guarantees or the like from customers? (If yes, Applicant shall forward to the Commission Secretary the original bond in the appropriate amount)

**Provided in Exhibit** \_\_\_\_\_

☐ Security bond not required

**15. Bankruptcy disclosure:**

☐ Neither the Applicant nor its affiliated interests has filed bankruptcy in the past 24 months

☐ **Exhibit** \_\_\_\_\_ for an explanation of all bankruptcy proceedings filed by the Applicant in the past 24 months

**16. Any other information:**

☐ Other material submitted in support of the Application.

**Provided in Exhibit** \_\_\_\_\_

☐ No other supporting material is provided

**17. Verification of Application:** The Application must be verified by a principal or officer of the Applicant. (See Attachment A for an example)

☐ Verification is **provided in Exhibit** \_\_\_\_\_

**18. Consent to Jurisdiction:** All Electric Suppliers shall consent to the jurisdiction of the Delaware courts for acts or omissions arising from their activities in the State.

BY (signature):

\_\_\_\_\_

TYPED /PRINTED NAME:

\_\_\_\_\_

TITLE:

\_\_\_\_\_

**19. Legal name of Applicant and the name under which the Applicant proposes to do business in Delaware.**

\_\_\_\_\_

Full legal name of Applicant

Any fictitious name or "doing business as" (a/k/a) name:

\_\_\_\_\_

☐ Applicants with a fictitious name must submit a copy of the Registration of Trade, Business & Fictitious Name Certificate for each of the three Delaware counties in which the Applicant proposes to do business.

**Provided in Exhibit** \_\_\_\_\_

**20. Home state of Applicant and contact information.**

\_\_\_\_\_

State of Incorporation or Formation of Applicant

\_\_\_\_\_

Physical Business Address

\_\_\_\_\_

\_\_\_\_\_

Name and Address of Principal Officer or Managing Member

\_\_\_\_\_

\_\_\_\_\_

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**21. Name, title, and telephone number of a Regulatory Contact Person:** This person will ordinarily be the initial point of contact for resolving complaints filed with the Commission. The Commission will also send any correspondence to this person. This information is required to be updated if there any changes.

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Name of Regulatory Contact

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Title

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Telephone Number

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Email Address

**22. Toll-free telephone number of Applicants customer service department:** This number will be listed on the Commission’s website as a resource for existing and potential customers.

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Toll-free customer service number

**23. Criminal activities statement:**

☐ A statement detailing any criminal activities of which the Applicant or any of its affiliated interests has been charged or convicted, or which the principal or corporate officers of the Applicant or any of its affiliated interests has been charged or convicted.  
**Provided in Exhibit \_\_\_\_\_**

☐ Neither the Applicant nor its affiliated interests has been charged or convicted of any criminal activities

**24. Waiver of certification requirements:** This section is applicable only to Applicants who request a waiver of any of the regulatory requirements.

\* Please note that not all regulatory requirements can be legally waived.

☐ Applicant requests a waiver of the requirements in Section(s) \_\_\_\_\_ of this application. Please provide a detailed explanation in support of the request for a waiver below:

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**25. ☐ No waiver requested** **Public Notice of Filing:** Each Applicant shall publish notice of the filing of the application in two (2) newspapers having general circulation throughout the State in a form to be prescribed by the Commission.

- The form of notice will be forward to the Applicant upon receipt of the Application for an Electric Supplier Certificate
  - Affidavits of Publication for each public notice issued must be provided to the Commission **(The Company should upload a copy of the affidavits of publication into filing in DelaFile as a separate exhibit)**

**26. Contracts:** At the time of the filing, the Applicant shall either provide its Standard Contract for Residential and Small Commercial Customers or a link to it on the Applicant's website. Such contract is subject to review by the Commission Staff and if Staff determines that such contract is not consistent with the Supplier Rules, Staff shall have the authority to require changes in order to make it consistent with the Rules or the Electric Supplier faces denial of its Electric Supplier Certificate by the Commission after a hearing. Such contract shall be in clear and plain language and include explicit terms and conditions which at a minimum contain the following.

- ☐ Clear statement of the duration of the contract
- ☐ The price stated in cents per kWh or a clear and unambiguous statement of the precise mechanism or formula by which the price will be determined
- ☐ A complete list of any other fees, including early termination penalties, late fees, and interest charges, which can be imposed on the customer, including but not limited to the magnitude of the fees and the specific conditions under which such fees can be imposed
- ☐ A statement of the Electric Suppliers termination rights, which shall explain the specific conditions, under which the Electric Supplier may terminate service. At a minimum, the Electric Supplier shall provide the Residential or Small Commercial Customer with at least 30 days' notice of termination of the contract and procedures to maintain on-going service
- ☐ The Electric Supplier's local or toll-free telephone number; address and web address, if applicable
- ☐ The Commission's address and telephone number
- ☐ A statement informing the Residential or Small Commercial Customer that, because of relocation outside of their current EDC's service territory, they (he/she) may terminate his/her contract with his/her Electric Supplier with no termination fee upon a 30-day notice in writing to the Electric Supplier
- ☐ A Residential or Small Commercial Customer has ten (10) calendar days from the day the EDC sends the confirmation letter to rescind his/her selection



Attachment A  
**VERIFICATION**

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally came before me, the subscriber, a Notary Public in and for the state and county aforesaid, \_\_\_\_\_ [name of individual who is signing] as the \_\_\_\_\_ [authority of individual or title of individual who is signing, e.g., President, Vice President, Sole Member/Manager, Trustee, etc.] of \_\_\_\_\_ [name of company or entity that is filing], known to me personally to be such or having presented to me satisfactory evidence of identity, and acknowledged this document to be [his or her] act and deed and the act and deed of such \_\_\_\_\_ [type of filer, e.g. corporation, limited liability company, etc.], that the signature of such individual is in [his or her] own proper handwriting, and that the facts set forth in this \_\_\_\_\_ [type of filing, e.g., application, petition, etc.] are true and correct to the best of [his or her] knowledge, information, and belief.

\_\_\_\_\_  
Signature of individual  
Printed Name: \_\_\_\_\_

**SIGNED AND SWORN (OR AFFIRMED)** before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (name of individual who signed above).

**SEAL**

\_\_\_\_\_  
Signature of Notarial Officer

\_\_\_\_\_  
Title (e.g., Notary Public)

My Commission Expires:

\_\_\_\_\_, 20\_\_\_\_

## Attachment B

**Attestation of Submission of Confidential, Proprietary, and Privileged Material****Per 26 Del. Admin. C. § 1001-1.11**

I, [NAME], [TITLE] of [COMPANY/ORGANIZATION], do hereby attest, under penalty of perjury, that [DESCRIPTION OF DOCUMENT / INFORMATION] is 1) not a “public record” as defined by 29 Del. C. § 10002(l) because it is [DESCRIPTION OF REASON AND SPECIFIC EXEMPTION UNDER 29 Del. C. § 10002(l)]; and 2) is not subject to inspection by either the public or by other parties unless an appropriate proprietary agreement is executed.

As such, I request that the Delaware Public Service Commission accord confidential treatment to [DESCRIPTION OF DOCUMENT / INFORMATION] in accordance with 26 Del. Admin. C. § 1001-1.11.

In compliance with 26 Del. Admin. C. § 1001-1.11.3, I have submitted, attached to this Attestation, for filing a copy of the document described above without the confidential information, with an indication that the claimed confidential information has been deleted.

Executed [DATE]

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[NAME]

[STATE]

[COUNTY]

Sworn to and subscribed before me on [DATE] by [NAME]

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[NOTARY SEAL]

[NOTARY NAME]

My commission expires: \_\_\_\_\_

### Checklist of Required Items for Electricity Supplier Applications

- ☐ Delaware Certificate of Good Standing **Exhibit** \_\_\_\_\_
- ☐ Delaware Business License **Exhibit** \_\_\_\_\_
- ☐ Performance Bond (if required) **Exhibit** \_\_\_\_\_
- ☐ Proof of PJM Membership **Exhibit** \_\_\_\_\_
- ☐ Certified Financial Statements (dated within one year of filing) **Exhibit** \_\_\_\_\_  
\*If filed under confidential seal a redacted version and attestation must be uploaded separately in DelaFile - **Exhibit** \_\_\_\_\_  
Publicly traded applicants – recent annual report and SEC Form 10-K  
**Exhibit** \_\_\_\_\_
- ☐ Demonstration of cash or cash equivalent (\$100,000 of assets in excess of encumbrances) **Exhibit** \_\_\_\_\_
- ☐ States in which Applicant is presently selling electricity supply or providing broker services and pending applications (\*if additional space is required) **Exhibit** \_\_\_\_\_
- ☐ States in which Applicant has any pending applications (\*if additional space is required) **Exhibit** \_\_\_\_\_
- ☐ List of states in which Applicant has been denied approval as a supplier or broker and/or had its authority revoked (with detailed explanation) **Exhibit** \_\_\_\_\_
- ☐ List of states in which Applicant has withdrawn an application (with detailed explanation for the withdrawal from each state) **Exhibit** \_\_\_\_\_
- ☐ Professional resumes of each principal officer responsible for Delaware operations **Exhibit** \_\_\_\_\_
- ☐ FERC Approval as a Marketer **Exhibit** \_\_\_\_\_
- ☐ Security Bond (\*if Applicant requires deposit, prepayments, etc.) **Exhibit** \_\_\_\_\_
- ☐ Any other information **Exhibit** \_\_\_\_\_
- ☐ Bankruptcy disclosure **Exhibit** \_\_\_\_\_
- ☐ Verification of Application **Exhibit** \_\_\_\_\_
- ☐ Consent to Jurisdiction
- ☐ Fictitious Name (d/b/a or a/k/a) – Registration of Trade, Business & Fictitious Name Certificate (for each Delaware County) **Exhibit** \_\_\_\_\_
- ☐ Criminal Activities Statement (\*if required) **Exhibit** \_\_\_\_\_
- ☐ Residential/Small Commercial Contracts **Exhibit** \_\_\_\_\_